

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 06-CR-20411

DERRICK YOUNG,

Defendant.

**ORDER DENYING DEFENDANT'S MOTION TO EXCLUDE, MOTION TO
DISQUALIFY, AND MOTION TO WITHDRAW GUILTY PLEA**

On September 7, 2010, the court conducted a hearing on Defendant Derrick Young's pending motions. For the reasons stated more fully on the record,

IT IS ORDERED that Defendant's "Motion to Exclude Evidence Results of Polygraph Examinations" [Dkt. # 238] is DENIED. Specifically, the court finds that the polygraph examinations have "sufficient or minimally adequate indicia of reliability" to satisfy the due process clause for purposes of consideration at sentencing. *United States v. Silverman*, 976 F.2d 1502, 1513 (6th Cir. 1992) (quotation omitted). The court makes no determination at this point as to the weight or credibility of the examinations, and Defendant may, of course, present his own evidence or arguments to challenge the polygraph examinations.

IT IS FURTHER ORDERED that Defendant's "Motion to Disqualify Judge" [Dkt. # 239] is DENIED. The motion was predicated upon the assumption that the motion to exclude the polygraph examinations would be granted. Because the court has denied the motion to exclude, the court will also exclude the motion to disqualify.

Finally, IT IS ORDERED that the "Motion to Withdraw Plea of Guilty" [Dkt. # 237] is DENIED WITHOUT PREJUDICE. The motion, as presented, does not present adequate grounds to withdraw the guilty plea. Defendant's newly appointed counsel, however, may re-file the motion should he believe, after further investigation and research, that adequate grounds exist to assert a renewed motion.

s/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: September 13, 2010

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, September 13, 2010, by electronic and/or ordinary mail.

s/Lisa G. Wagner
Case Manager and Deputy Clerk
(313) 234-5522